

## **Assembly Bill No. 2767**

### **CHAPTER 548**

An act to add Section 15122.5 to the Education Code, relating to education.

[Approved by Governor September 15, 1996. Filed  
with Secretary of State September 16, 1996.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2767, Poochigian. School districts: elections: bonds: disclosure.

Existing law authorizes the governing board of a school district to order the county superintendent of schools to call an election and submit to the electors of the school district the question of whether bonds of the school district shall be issued and sold for the purpose of raising money for specified projects. Existing law sets forth certain requirements for the ballot of that election.

This bill would require that the sample ballot contain a specified notice whenever an election is called on the question of whether bonds of a school district shall be issued and sold for specified purposes and the project to be funded by the bonds will require state matching funds for any phase of the project. By imposing this notice requirement for inclusion in the sample ballot, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 15122.5 is added to the Education Code, to read:

15122.5. (a) Whenever an election is called on the question of whether bonds of a school district shall be issued and sold for the purposes specified in Section 15100 and the project to be funded by the bonds will require state matching funds for any phase of the project, the sample ballot shall contain a statement, as provided in

subdivision (b), advising the voters that the project is subject to the approval of state matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be completed.

(b) The words to appear in the sample ballot in satisfaction of the requirements of subdivision (a) are as follows:

“Approval of Measure \_\_\_\_ does not guarantee that the proposed project or projects in the \_\_\_\_ School District that are the subject of bonds under Measure \_\_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_\_\_. The school district’s proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

(c) This section does not apply to any election to incur bonded indebtedness pursuant to the Mello-Roos Community Facilities Act of 1982 contained in Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 of the Government Code.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

